

The 17th September, 1982

No. 9(1)82-6Lab./8789.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Indo Casting and Engineering Works, Talab Road, Old Faridabad :—

**IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD**

**Reference No. 176 of 1982**

*between*

**SHRI KRISHAN CHAND, WORKMAN AND THE MANAGEMENT OF M/S INDO CASTING AND ENGINEERING WORKS, TALAB ROAD, OLD FARIDABAD**

**Present:—**

None for the workman.

Shri L. N. Yadav, for the management.

**AWARD**

This reference No. 176 of 1982 has been referred to this Court by the Hon'ble Governor of Haryana, *vide* his order No. ID/FD/77/82/28430, dated 24th June, 1982 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Krishan Chand, workman and the management of M/s Indo Casting and Engineering Works, Talab Road, old Faridabad. The term of the reference was :—

Whether the termination of service of Shri Krishan Chand, was justified and in order ?  
If not, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties. The service of notices has been effected to the parties. The representative of the management was present on 22nd July, 1982 but neither the workman nor his representative was present. It was already 12.30 P.M. The case was called thrice. In these circumstances, I proceeded *ex parte* against the workman and the case was fixed for the *ex parte* evidence of the management for 28th July, 1982. On 28th July, 1982 the representative of the management filed their written statement and also produced their witness as MW-1 and stated that there is no relationship of the master and servant ever existed between the parties. He further stated that he also brought the attendance and wages register of the Company from the year 1979 to 1981 in which there is no such employee namely Shri Krishan Chand. The Labour Inspector has also been signed in these registers at page No. 16. So there is no relationship between the parties and may be filed.

In the light of the above *ex parte* evidence of the management as MW-1, I hold that the reference is bad in law and there is no relationship of the master and servant between the parties. No orders as to costs. I give my award accordingly.

Dated, the 17th August, 1982.

**HARI SINGH KAUSHIK,**

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

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Endst. No. 1858, dated the 19th August, 1982

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

**HARI SINGH KAUSHIK,**  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.